

por la Vida

HUMAN RIGHTS & RIGHTS OF PUEBLO BULLETIN



INSTITUTO
POPULAR DE
CAPACITACION

MEDELLIN - COLOMBIA

APARTADO AEREO 9690

No. 0 APRIL DE 1992

INTRODUCTION

For a number of years now, it has been a hope of ours to have a bulletin such as this, in which we could share more complete information about the human rights situation in Colombia and, more particularly, in the department of Antioquia.

The **POPULAR INSTITUTE OF TRAINING - IPC** is a corporation which works in Research and Education with the Popular Movement in the city of Medellín. We are a private entity, legally recognized by the Colombian

government, but from whom we receive absolutely no financial support.

Our funding comes from the contributions of our members, payment for services and from private, international organizations such as the **INTERNATIONAL CENTER FOR HUMAN RIGHTS AND DEMOCRATIC DEVELOPMENT** in Montreal, Canadá. This Centre's support, in particular, is very significant for our Human Rights and Rights of pueblos work in the region.

Toward the end of last year, the IPC set up a Human Rights Data Bank which forms the basis of many of the opinions contained in this bulletin.

This first installment (zero) of the bulletin is a trial issue which we are sending to you as both close friends of ours and friends of the Human Rights and Rights of Pueblos cause. From the outset, we are open to any and all criticism which is intended to improve this modest, collective undertaking of our Institution.

General Director
Abril/92

"Fear dries the mouth,
moistens the hands and mutilates.
The fear of knowing condemns
us to impotence,
fear of listening, fear of saying has rendered us deaf
and dumb.
And now democracy is afraid
of remembering.
Stricken with amnesia,
we are repeating history instead of changing it.
Fear - fear of living,
fear of being,
fear of losing - is the most wretched
of death's numerous children"

Eduardo Galeano

WHAT NEW COUNTRY?

The electoral balance presented by the different social movements participating in the march 8 elections for departamental deputies, mayors and municipal councillors is anything but satisfactory.

In an effort to revitalize a political system almost completely monopolized by the Liberal and Conservative parties, both in the throes of a serious crisis due to and absolute incoherence in programs and ideology and rife with patronage and corruption, the country's new Constitution opened up the political arena, albeit in limited form, granting the electorate increased guarantees and slightly more equalitarian conditions of access to the system.

It thus created expectations sufficiently high as to expect, not only an improved showing by the new parties and political movements, but also an increased participation in both the voting and popular electoral bodies, given the nature of the constituency making up the alternative groups.

Today, however, these expectations remain just that; once again, the post election reality reflects the same bipartisan panorama as always. The crisis that continues to afflict both traditional parties, though, seems to be growing and enveloping the non- traditional political movements as well.

The question, then, is whether or not this "new" scheme of "participative democracy" has in any way altered the partisan hegemony and crisis of representation which has characterized it during the past several years.

It is important to note that during the last two elections there has been no significant change in the voting behaviour of the population; phenomena such as abstentionism, patronage and "liberal-conservative majorities" persist. Meanwhile, opposition political parties (the communist party and its associates and sectors of the Democratic Alliance M-19) and social sectors represented electorally by neither the Liberal nor Conservative parties (indigenous, religious groups, campesinos and pobladores) have been unable to bring about either a shift in this behaviour or the creation of new forms of democratic political association (above all in their internal functioning) which would open up important political spaces and generate enough force to effectively influence the decision-making process within government and society.

Nevertheless, the scanty representation (in the electoral sense) obtained by the country's popular political and social movements depends, not only on their own internal dynamics but is also a result of general social factors, affecting the electoral machinery of the traditional parties, even though their voting percentages and seats won would seem to indicate the contrary.

The problem for the country's popular social movements, then, is that they have not been able to mobilize new sectors of voters, until now marginalized from the electoral process, reduce the rate of abstentionism and organize the huge mass of "silent non-conformity" -more than 60% of the electoral census- which until now, although critical of such political manipulation, has been more of a benefit to political caciques, who depend more on buying votes of "influence" than on public opinion.

In spite of this, however, several social movements have managed to break through onto the national electoral stage. The country's indigenous movements have an important presence at both the regional -in Antioquia, voters elected several indigenous municipal councillors and one deputy- and national level, and are now the country's most active ethnic minority. Similarly, the different evangelical groups posted a solid electoral showing in spite of internal divisions. And, finally, it is important to acknowledge to accomplishments of the Peñolito civic movement which, under a banner of integrated team work, and in spite of strong opposition from a number of traditional political groups, managed to win the mayoralty of Peñol for a third consecutive term.

In summation, we can only hope that in 1994 the electoral results are more promising than this year's.

A look at: Violence in antioquia

W

e do not share the belief that the situation of violence and human rights violations in Antioquia is improving, as affirmed in an April communique from the office of the secretary of the municipality of Medellín.

We base this belief on the results of the first report issued by our Data Bank which covers the period from November 1, 1991 to March 31, 1992.

In the following tables we present a global vision of the situation of violence in the region, at the same time, acknowledging the formative stage in which our Data Bank finds itself. In this regard, we wish to thank both the systems team from our Institute and permanent office of Human Rights of the Regional Attorney General's office, for their invaluable collaboration.

The departament of Antioquia and its capital, Medellín, is the region of Colombia which produces the most wealth for the country and, at the same time, experiences the most violence.

There are two characteristics intimately linked to the different manifestations of the this violence in Antioquia - first, impunity and, second, the large number of obscure acts of violence, about which no information exists.

We single out impunity because it permeates the whole of society, manifesting itself in an almost totally unprotected population; and intimidated population which, on the one hand, does not seek out government or non-governmental or-

ganisms in order to denounce the violence of which it is a victim and on the other, does not believe in legal mechanisms of defence or the capacity or will of the government's security organisms and judicial branch to pursue, capture, judge and sanction the guilty. This is particularly true when, in spite of widespread desinformation, members of these organisms are themselves responsible which, in most cases, specifically involves the National Police (144 cases). It is also our feeling that, in spite of government "campaigns" in favour of human rights or the eradication of violence, to date neither the national nor the departmental government has implemented any serious and effective program designed to overcome these two phenomena, for which the government itself shares a large part of the blame.

In this regard, two additional aspects concerning impunity are worth mentioning: censorship of information by the communications media, especially concerning acts of regional violence - censorship that is part of a policy, designed primarily by the dominant media to cover up certain acts which would reflect badly on the establishment - and, self-censorship, individually imposed by many journalists who fear the consequences ... often fatal - the publication of certain material might bring. And, secondly, we believe that impunity generates violence insofar as silence becomes an "accomplice", as authorities and the population in general let things happen without reacting or simply look the other way and, thus, clear the way for the violent to act.

We have also noted that the majority of cases registered correspond to obscure killings i. e. in which the motive, circumstances surrounding the killing and individuals responsible are all unknown (see table 1). Most of the bodies of the victims of these obscure killings have their hands tied, present signs of torture and are frequently found two or three together in the same place. They are rarely identified.

We have also registered a considerable number of deaths in massacres, a modality that has recently been occurring with more frequency, especially in the Medellín metropolitan area. These massacres typically take place in one of two ways - (i) a group of people talking on a street corner or outside one of their houses is attacked by one or several heavily armed men, sometimes hooded, who open fire indiscriminately against them, or, (ii) the killers arrive in a neighborhood with a list of names, force the individuals on the list from their houses and onto the street and shoot them in the presence of their families and neighbors.

Here it is important to note that in many of these massacres, the motives and individuals responsible are only "unknown" to the civilian and military authorities. On many occasions, non-governmental organizations collect firsthand testimonies from witnesses and massacre survivors which point directly to members of the government's armed security forces.

As far as the departmental municipalities registering the most cases of violence, we conclude the following: Remedios (north-east region) with 31 cases, Segovia (north-east) 59 cases, Bello (Aburra Valley metropolitan area) 95 cases, Itagui (Aburra Valley metropolitan area) 66 cases, the region of Uraba (11 municipalities) 82 cases and the city of Medellín with 789 cases, signifying 55.3% of the total cases registered in the Department of Antioquia.

Another noteworthy observation at this point is that young males -specifically those between 18 and 35 years of age - make up the majority of the total victims.

By way of conclusion, then, we see that extremely high indices of violence persist, above all, in cases of human rights violations, understood as acts committed by members of the government's armed security organisms, which violate the fundamental rights of individuals (303 cases).

HUMAN RIGHTS VIOLATIONS AND OTHER CASES OF VIOLENCE REGISTERED IN ANTIOQUIA

TABLE 1

| VIOLENCE - POLITICAL & PRESUMED POLITICAL | NOV.- DEC. 1991 | JANUA.- MARCH 1992 |
|---|-----------------|--------------------|
| Kidnapping | 25 | 27 |
| Disappearances | 12 | 5 |
| Torture | 3 | 13 |
| Deaths in Massacres * | 68 | 57 |
| Political assassinations | 8 | 7 |
| Presumed political assass | 2 | 16 |
| Political woundings | 0 | 1 |
| Attempted political assass | - | 4 |
| Threats | 6 | 4 |
| Raids | 1 | 2 |
| Arbitrary detention | - | 10 |
| Subtotal | 125 | 146 |
| *Massacre: The simultaneous killing of 5 or more people | | |
| DEATHS - WOUNDED & DETAINED IN MILITARY ACTIONS | NOV.- DEC. 1991 | JANUA.- MARCH 1992 |
| Deaths in military actions | 34 | 60 |
| Wounded in military actions | 8 | 25 |
| Detained | 10 | 85 |
| Subtotal | 52 | 170 |
| OTHER ACTS OF VIOLENCE | NOV.- DEC. 1991 | JANUA.- MARCH 1992 |
| *Social clean-up killings | 9 | - |
| Presumed social clean-up Killing | 8 | 10 |
| Social clean-up detentions | 29 | 1 |
| Violent act-drug traffickers | - | 7 |
| Wounding with obscure motives | 10 | 17 |
| Killings - Robbery | 12 | 33 |
| Other killings | 34 | 105 |
| Subtotal: | 102 | 173 |
| Killings with obscure motive | 336 | 327 |
| Total | 615 | 811 |
| *Social clean-up: The killing of beggars, drug addicts, street children, homosexuals and prostitutes. | | |

TABLE 2

| SOCIAL SECTOR AFFECTED | NOV.- DEC. 1991 | JANUA.- MARCH 1992 |
|---------------------------------------|-----------------|--------------------|
| Peasants | 37 | 28 |
| Independent or informal sector worker | 92 | 100 |
| Laborers | 7 | 12 |
| Students | 10 | 23 |
| Common criminals | 52 | 9 |
| Insurgents | 13 | 83 |
| Popular militias | 2 | 23 |
| No information | 374 | 370 |
| Other sectors | 106 | 176 |

TABLE 3

| ORGANISM RESPONSIBLE OR PRESUMED RESPONSIBLE | NOV.- DEC. 1991 | JANUA.- MARCH 1992 |
|--|-----------------|--------------------|
| STATE ORGANISMS | | |
| Judicial Technical Police | 36 | 4 |
| National Police | 55 | 89 |
| Army | 14 | 79 |
| Other state organisms | 9 | 17 |
| Subtotal | 114 | 189 |
| Guerrilla | 35 | 57 |
| Civilians | 43 | 88 |
| Popular militians | 4 | 24 |
| No information | 485 | 463 |

THE ECONOMIC APERTURA AND THE RIGHTS OF PUEBLOS

Some 15 years after the introduction of the neoliberal model in Colombia, Gaviria is today faced with conditions very favourable for its consolidation and, to that end, is implementing an economic apertura and imposing an industrial reconversion program, according to the orientations of the International Monetary Fund.

Workers and pobladores, however, are leading a number of important struggles against the effects of this apertura throughout the country.

In the automotive sector, workers are faced with the problem of competing with foreign made vehicles, particularly those from the Andean region and the threat by multinationals of locating their plants in other countries. In this regard, workers at the SofasaRenault assembly plant, after seeing their numbers cut in half in the last several years, went on strike for more than two months, demanding job security. Today, they are faced with probable cut backs of another 411 jobs (200 of which are already in the works) in order to reach management's goal of approximately 600 total workers. Both Mazda workers, who struck for 4 hours, and the 1250 Goodyear employees have also been forced to call strikes in order to pressure for negotiations.

The privatization wave is sweeping through a number of companies deemed crucial for the economic apertura. Colpuertos and Ferrocarriles have both experienced work stoppages resulting in the government threatening to militarize the country's ports, suspending conventional rights and forceably "retiring" a number of workers.

In the electrical sector, burdened with the biggest foreign debt, and today operating in semi darkness because of strict, nationwide rationing, workers for the first time presented a single list of demands after realizing work stoppages in elec-tricity

generating plants and protest marches which resulted in the detention of more than 100 of the striking workers of the Electrificadora of Caldas.

The financial sector is also suffering as it is "adapted" to the government's apertura model. Law 45/90 created the conditions for an increased specialization in the banks, the merging of banks and, in general, an accelerated process of modernization which will do away with unions which have been "problematic" in the classic sense.

So far this year, there have been a number of work stoppages in different banks Cafetero, Popular, BCH and Caja Agraria in order to discuss lists of demands or organize against other government measures and, to date, more than union leaders have been fired.

In the communications field, Telecom- one of the country's two most profitable enterprises - is fighting against a privatization offensive which is seeking to hand over its most profitable aspects to multinational and national communication monopolies. Telecom workers have protested these measures by calling a number of work stoppages. Television is also in the sights of this offensive, as is the rapidly growing business of cellular telephones, in which telephone companies are obliged to seek associates in the private sector.

The business men and women of the country's San Andresitos (locales where a wide variety of contraband items, mostly fore in made, are sold duty free) have also organized protests throughout the country against government measures to "legalize" their merchandise. In november of last year, more than 20,000 people took part in one of these protest marches in Bogota.

The residents of various localities have carried out paros civicos (civic protests in which an entire town or city is essentially shut down services, commerce, transportation

etc. For a pre determined period of time) to protest against poor public services -Puerto Colombia (Antioquia) and Plato (Magdalena) and in defence of the right to life Barrancabermeja (Santander) and Segovia (Antioquia). Similarly, in Bogota, protesters have marched and put up blockades on a number of the city's major roads and students have organized protests against the government's planned privatization and apertura of vtheeducational system.

In order to recoup the income it will lose by reducing impor tariffs and taxes on business income, the government has proposed a 50% increase in the IVA (aggregate value tax- a tax on most goods and services) from 12 to 18 %.

These are all examples of ways in wich workers and the population in general are resisting effects of the government's economic apertura . To be sure, they are mostly isolated efforts which have so far been unable to halt the process.

It is within this context, then, that while transnationals demand general opening up of markets, dependent countries continue their call for some form of government protection and the closing of their borders to products against which they cannot presently compete.

In order to guarantee a process of capital accumulation, these countries need to broaden their internal markets by creating economic blocks and free trade agreements among themselves and by carrying out a complete restructuring of their economies.

Otherwise, such free trade agreements become nothing more than a means of subordinating these countries to the dictates of transnationals and a violation of the rights of pueblos.

"HAS ANYTHING REALLY CHANGED?"

The surrender last June 19 of drug kingpin Pablo Escobar and the promulgation three weeks later of a new Constitution were hailed by many in the international community as the beginning of a new era in the country's political and social life. Now almost a year later, however, it is clear that neither event has had any appreciable effect on the spiralling cycle of human rights abuses and violence that each year claims as many lives in Colombia as in any other country in the world.

Drug related violence, although the most likely to make international headlines, accounts for only a small percentage of the country's violent deaths, which since 1989, have averaged 24,000. In the past five years, a systematic and ruthless campaign of political violence has killed more people in Colombia than in any other country in the hemisphere. Because it is a campaign in which drug traffickers, large landowners and significant sectors of the country's political and military establishment are more likely to be allies than enemies, however, Escobar's surrender, although a public relations coup for the Gaviria administration, has had little effect on this bleak panorama. The dirty war continues unabated.

More than 100 paramilitary death squads continue to act with almost complete impunity, terrorizing the Colombian countryside and targeting campesino lea-

ders, members of popular, grassroots organizations and indigenous communities. Overwhelming evidence of army involvement in paramilitary activities and gross human rights violations -massacres and disappearances, in particular- continues to receive little official attention constituting, in many cases, more of a threat to the organization collecting the information than to the individuals involved in the abuses.

In spite of this, much of the international media persist in misrepresenting the nature of violence in the country. The United States, for its part, seems as determined as ever to throw fuel on the fire and militarize the conflict in the region. Seizing on the fact that there are now more than 20,000 hectares sown with the opium poppy in Colombia, President Bush, during a February drug summit in Texas, proposed the establishment of a multinational military drug force to be based permanently in the area. Although the idea was unanimously rejected by the region's Presidents, more recent statements by the U.S. Solicitor General to the effect that U.S. justice officials, regardless of existing extradition treaties or considerations of national sovereignty, have the legal right to forceably kidnap individuals wanted in U.S. courts from any country in the world, leave little doubt as the thrust and intention of that country's overseas drug strategy.

Colombian's new Constitution -passed after five months of deliberations by a 78 member National

Assembly- makes some positive strides by formally entrenching a series of assorted economic, social, human and cultural rights. At the same time, however, it effectively negates many of them by institutionalizing two pieces of authoritarian legislation passed under temporary state of siege legislation, ostensibly to combat drug traffickers. The two statutes are almost Draconian in nature insofar as they redefine many expressions of legitimate social protest as "terrorist". Individual freedoms are severely limited, extended periods of detention incommunicado are permitted, the accused is denied the right to a public trial, the right to confront his accusers (the legislation contemplates the installation of a secret judicial process) and, in essence, is denied recourse to due process.

Perhaps more importantly, however, the Constitution not only made no effort to reform, restructure or redefine the mandate of the country's Armed Forces, but broadened the infamous "fuero militar" or military privilege to include members of the National Police. This fuero, widely regarded as the country's institutional mechanism of impunity par excellence, will now assure members of the police as well as the Armed Forces accused of human rights violations, both a trial and, in all but the most exceptional circumstances, an acquittal by their peers.
